

## **REMARKS**

In view of the above amendments and the following remarks reconsideration and further examination are respectfully requested.

### **I. Telephone Interview**

The Applicants would like to thank the Examiner for conducting a brief telephone interview regarding the comments included on the continuation page of the Advisory Action mailed on December 1, 2009. During the interview, the Examiner kindly elaborated on his position set forth in the comments included on the continuation page.

Specifically, the Examiner suggested the following in order for the limitations of claim 15 to be considered structural limitations: (i) amending the phrase “processor that judges” to recite “processor programmed to judge,” amend the phrase “playback unit that plays” to recite “playback unit programmed to play” and amend the phrase “memory that stores” to recite “memory storing;” or (ii) “amending claim 15 to recite a computer-readable recording medium having a program stored thereon, the program causing a computer to execute a method ...”

In addition, during the interview the Examiner requested that, if claim 15 is amended based on option (i), then he would like us to point out portions of the specification that provide support for such amendments.

Moreover, during the interview the Examiner pointed out that, in order for claim 15 to recite the allowable subject matter identified in the Office Action of August 18, 2009, claim 15

should be amended to include the limitations that were removed in the Amendment filed on November 18, 2009.

## **II. Amendments to the Claims**

In view of the above-mentioned suggestions by the Examiner, independent claim 15 has been amended according to option (i) and has been amended to include the limitations that were removed in the Amendment filed on November 18, 2009. In addition, claim 22 has been cancelled without prejudice or disclaimer of the subject matter recited therein.

Support for these amendments can be found, at least, on pages 9, 20, 49 and 50 of the previously filed substitute specification.

## **III. Allowable Subject Matter**

In item 35 on page 13 of the Office Action mailed on August 18, 2009, the Examiner indicated that claim 15 would recite allowable subject matter if amended to recite the conditional elements B, C and D.

The Applicants would like to thank the Examiner for this indication and believe that, in view of the above-mentioned amendments suggested by the Examiner, claim 15 and claims 16-21 that depend therefrom are now allowable.

#### **IV. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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